

# Town of Stow

## General Bylaws

### **Article 6.**      **POLICE REGULATIONS**

#### **SECTION 26.**      **Regulation and Licensing of Solicitors and Canvassers**

A. It shall be unlawful for any solicitor or canvasser as defined in this bylaw to engage in such business within the town of Stow without first obtaining a license therefore in compliance with the provisions of this bylaw. The provisions of this bylaw shall not apply to any person engaged in the soliciting for charitable, benevolent, fraternal, religious or political activities, nor any person exempt under Chapter 101 of the Mass. General Laws, nor to any person duly licensed under Chapter 101 of the Mass. General Laws, nor to any person exempt by any other General Law, nor shall this bylaw be construed to prevent route salesmen or other persons having established customers, to whom they make periodic deliveries, from calling upon such customers or from making calls upon prospective customers to solicit an order for future deliveries.

B. Definition

A solicitor or canvasser is defined as any person who, for himself or for another person, firm or corporation, travels by foot, automobile or any other type of conveyance from place to place, from house to house, or from street to street, taking or attempting to lease or take orders for retail sale of goods, wares, merchandise or services, including without limitation the selling, distributing, exposing for sale or soliciting orders for magazines, books, periodicals or other articles of a commercial nature, the contracting of all home improvements, or for services to be performed in the future whether or not such individual has, carries or exposes for retail sale a sample of the subject of such sale or whether he is collecting advance payment on such retail sales.

C. Application

Applicants for a license shall file with the Chief of Police, on a form issued by the Police Department, a written application signed under penalties of perjury, containing the following information:

- (1) Name of applicant.
- (2) Address of applicant (local and permanent address).
- (3) Applicant's height, weight, eye and hair color.
- (4) Applicant's Social Security Number.
- (5) Length of time for which the right to do business is desired.

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- (6) A brief description of the nature of the business and the goods to be sold.
- (7) The name and home office address of the applicant's employer. If self employed, it shall be so stated.
- (8) A photograph of the applicant which shall be submitted by the applicant and be 2" by 2", showing the head and shoulders of the applicant in a clear and distinguishing manner. (note: the police station may take a digital photo of the applicant to satisfy this requirement).
- (9) If operating a motor vehicle, the year, make, model, motor number, registration number, state of registration, vehicle's owner name and address.

### D. Investigation and Issuance

- (1) Upon receipt of the application, the Chief of Police shall investigate the applicant's reputation to determine from prior business practices if he/she is a suitable person to be licensed.
- (2) After such investigation, the Chief of Police shall endorse the application with his approval or disapproval. If disapproval, the applicant shall have the right to appeal to the Board of Selectmen.
- (3) Said license when issued shall contain the signature of the Chief of Police or the Board of Selectmen and shall show the name, address and of the licensee, the date of issue and the length of validity as well as the license number. The Police Department shall maintain a record of all licenses issued for a period of five (5) years. Solicitors and canvassers are required to display the identifying badge issued by the Police Department on an outer garment whenever soliciting. Each licensee is required to possess an individual license.

### E. Expiration of License

Each license issued under the provisions of this bylaw shall be valid for a period not to exceed sixty (60) days unless sooner revoked.

### F. Renewal of License

A license issued under the provisions of this bylaw may be renewed by the Chief of Police. The licensee requesting such a renewal shall apply in person to the Chief of Police.

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### G. Transfer or Revocation of License

No license shall be transferred. The Chief of Police may revoke a license for any violation of this bylaw.

### H. Hours of Solicitation

The hours for solicitation or canvassing shall be as follows:

<b>MONDAY THROUGH FRIDAY:</b>	<b>9:00 AM TO 7:00 PM</b>
<b>SATURDAY AND SUNDAY:</b>	<b>10:00 AM TO 5:00 PM</b>

Violation of this section shall constitute sufficient reason for revocation of license to solicit.

### I. Misrepresentation

- (1) No solicitor or canvasser, licensed or exempt from license, shall misrepresent in any manner the buyer's right to cancel as stipulated by Chapters 93, 93A and 255D of the Massachusetts General Laws.
- (2) No solicitor or canvasser, licensed or exempt from license, shall use any plan, scheme or ruse which misrepresents the true status or mission of the person making the call in order to gain admission to a prospective buyer's home, office or other establishment with the purpose of making a sale of consumer goods or services.

### J. Duty of Police to Enforce.

The police officers of the Town of Stow shall enforce this bylaw.

### K. Penalty

Any person violating any provision of this bylaw shall, upon conviction thereof, be punished by a fine not to exceed Fifty Dollars (\$50.00) for each and every offense. Each day that a person solicits without a license provided herein shall constitute a separate offense.

## APPLICATION TO SOLICIT

Date: \_\_\_\_\_

Name of Applicant \_\_\_\_\_  
(PRINT NAME)

Address of Applicant \_\_\_\_\_  
(STREET) (TOWN) (STATE)

Home Phone Number ( ) -

Date of Birth: \_\_\_\_ - \_\_\_\_ - \_\_\_\_ Social Security Number: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

License Number: \_\_\_\_\_ License State: \_\_\_\_\_

Vehicles used: Plate Number: \_\_\_\_\_ State: \_\_\_\_\_

Make: \_\_\_\_\_ Model: \_\_\_\_\_ Year: \_\_\_\_\_ Color: \_\_\_\_\_

Name of Company: \_\_\_\_\_

Address of Company: \_\_\_\_\_  
(STREET) (TOWN) (STATE)

Company Phone Number ( ) -

Type of Business: \_\_\_\_\_

Type of Soliciting: \_\_\_\_\_

I \_\_\_\_\_ have been given a copy of the Town of Stow By-Laws, and DO NOT  
(print name)

BOTHER list. I will follow all rules and regulations set by the Town and the State. I understand that if I contact an individual on the list, that I can be subject to arrest. Also, I understand that the Chief of Police may revoke my Permit to Solicit, and that I may be subject to fines, if any of the regulations or laws are not followed. I also understand that the Stow Police Department will conduct a background investigation, and may not issue a permit for an unfavorable result.

\_\_\_\_\_  
(signature) (date)  
\*\*\*\*\*POLICE DEPARTMENT USE ONLY BELOW LINE\*\*\*\*\*

APPROVED \_\_\_\_\_ NOT APPROVED \_\_\_\_\_

CHIEF OF POLICE SIGNATURE \_\_\_\_\_

EXPIRES ON: \_\_\_\_\_